

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

GABRIEL HAYES,)	
)	
Movant,)	
)	
v.)	Case No. CV410-227
)	CR409-141
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

ORDER

Gabriel Hayes moves to vacate, set aside, or correct his federal prison sentence under 28 U.S.C. § 2255, alleging that his counsel was ineffective for disregarding his direct instruction to file an appeal on his behalf. (Doc. 1 at 4; doc. 3 at 4.) The government has provided an affidavit by Hayes's attorney, Arthur Cooper, contradicting Hayes's assertions. (Doc. 7-1.) It concedes, however, that a hearing is required on Hayes's claim. (Doc. 7 at 3.)

Under Rule 8(c) of the Rules Governing Section 2255 Proceedings, Hayes is entitled to the appointment of counsel pursuant to 18 U.S.C. § 3006A(g) to represent him at the evidentiary hearing. The Clerk is therefore **DIRECTED** to prepare the necessary paperwork for

appointment of counsel and to schedule a hearing on this matter. The parties are advised, however, that the sole issue at the hearing will be Hayes's claim that his counsel was ineffective for failing to file a direct appeal. The Court will not entertain any argument or testimony pertaining to any of Hayes's other allegations.

SO ORDERED, this 7th day of July, 2011.


UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA